

Jul 21, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN SCOTT ARD (01),
JORDIN LEMUS (02), JERROD
JUSTIN HALE (03), and JASMINE
MARIE CAMPBELL a/k/a "Lucas"
(04),

Defendants.

No. 4:21-cr-06008-SMJ-1
4:21-cr-06008-SMJ-2
4:21-cr-06008-SMJ-3
4:21-cr-06008-SMJ-4

**ORDER GRANTING DEFENDANT
HALE'S (03) MOTION TO
CONTINUE**

**AMENDED¹ CASE
MANAGEMENT ORDER**

Before the Court, without oral argument, is Defendant Jerrod Justin Hale's (03) Motion to Continue, ECF No. 119. Defense counsel Tim Nguyen requests a continuance of the pretrial motions filing deadline, the pretrial conference, and the trial, to allow more time to examine discovery, prepare any related motions, and prepare for trial. All Defendants support counsel's request for a trial continuance for the articulated reasons. ECF Nos. 121, 123, 124 & 125.² Assistant U.S. Attorney

¹ This Order amends and supersedes in part the Court's March 5, 2021 Case Management Order, ECF No. 46 and May 5, 2021 Amended Case Management Order, ECF No. 117.

² Due to the public health advisories and other restrictions imposed in response to the COVID-19 pandemic, the Court has permitted counsel to submit Defendants'

Stephanie Van Marter, appearing on behalf of the Government does not oppose the request. ECF No. 119 at 2.

An Indictment was filed on March 2, 2021. ECF No. 1. Doug McKinley appeared for Defendant Lemus (02) on March 4, 2021. ECF No. 37. An order appointing Gregory L. Scott to represent Defendant Lemus (02) was entered on March 15, 2021. ECF No. 61. Nicholas Marchi appeared for Defendant Ard (01) and Mr. Nguyen appeared for Defendant Hale (03) on March 5, 2021. ECF Nos. 44, 45. An order appointing Ulvar Klein to represent Defendant Ard (01) was entered on March 15, 2021. ECF No. 62. A superseding indictment was filed on April 14, 2021. ECF No. 73. Richard A. Smith was appointed to represent Defendant Campbell (04) on April 22, 2021. ECF No. 86. This is the second request for a continuance in this matter.

To ensure defense counsel is afforded adequate time to review discovery, prepare any pretrial motions, conduct investigation, and prepare for trial, the Court grants the motion, extends the pretrial motion deadline, and resets the currently-scheduled pretrial conference and trial dates. The Court finds that Defendants continuance requests are knowing, intelligent, and voluntary. The Court finds that the ends of justice served by granting a continuance outweigh the best interest of

Statements of Reasons in Support of Motion to Continue with counsel's certification that Defendant has reviewed the document and consents to counsel signing the statement of reasons on his behalf. *See* ECF Nos. 121, 124 & 125.

1 the public and Defendants in a speedy trial. The delay resulting from Defendant
2 Hale's (03) motion is therefore excluded under the Speedy Trial Act for all
3 Defendants.

4 Counsel are advised that all successive continuance requests will be closely
5 scrutinized for the necessity of more time to effectively prepare, taking into account
6 the exercise of due diligence.

7 Having considered the parties' proposed case schedule and deadlines, the
8 Court now enters the following Amended Case Management Order, which sets forth
9 the deadlines, hearings, and requirements the parties will observe in this matter. To
10 the extent this Order conflicts with any previously entered Orders in this matter, this
11 Order shall govern. All counsel are expected to carefully read and abide by this
12 Order and such provisions of the current CMO which have not been superseded
13 hereby. The Court will grant relief from the requirements in this Order only upon
14 motion and good cause shown.

15 Accordingly, **IT IS HEREBY ORDERED:**

16 1. Defendant Hale's (03) Motion to Continue, **ECF No. 119**, is
17 **GRANTED.**

18 2. Defendant Campbell's (04) Motion to Continue Pretrial Conference
19 and Trial Dates and Extend Time for Filing Pretrial Motions, **ECF No.**
20 **122**, is **DENIED AS MOOT.**

1 **A. Counsel are advised that all future motions to extend or alter**
2 **case management dates or deadlines will be considered**
3 **applicable to all Defendants unless an individual Defendant**
4 **expresses a desire to be excluded from the motion.** Thus, only
5 statements of reasons or objections need to be filed by non-
6 moving Defendants.

7 **3.** The Court finds, given defense counsel's need for time to review
8 discovery, prepare any pretrial motions, conduct investigation, and
9 prepare for trial, that failing to grant a continuance would result in a
10 miscarriage of justice and would deny defense counsel the reasonable
11 time necessary for effective preparation, taking into account the
12 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(i),(iv). The
13 Court, therefore, finds the ends of justice served by granting a
14 continuance in this matter outweigh the best interest of the public and
15 Defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

16 **4. Original CMO.** Counsel must review the provisions of the original
17 March 5, 2021 CMO, ECF No. 46 (as to Defendants Ard (01), Lemus
18 (02), and Hale (03)), and May 5, 2021 Amended CMO (as to
19 Defendant Campbell (04)), ECF No. 117, and abide by those
20 procedures which remain in full force and effect and are incorporated

1 herein except for the new compliance deadlines in the following
2 Summary of Amended Deadlines.

3 **5. Pretrial Conference**

4 **A.** The current pretrial conference date of July 29, 2021 is
5 **STRICKEN and RESET to September 23, 2021 at 9:30 A.M.**
6 in **RICHLAND**. At this hearing, the Court will hear **ALL**
7 pretrial motions that are noted for oral argument.

8 **B.** All Pretrial Conferences are scheduled to last no more than
9 **thirty (30) minutes**, with each side allotted **fifteen (15)**
10 **minutes** to present their own motions and resist motions by
11 opposing counsel. If any party anticipates requiring longer than
12 fifteen minutes, that party must notify the Courtroom Deputy at
13 least seven (7) days prior to the hearing. **Any party who fails**
14 **to provide this notice will be limited to fifteen (15) minutes.**

15 **6. Trial.** The current trial date of August 23, 2021 is **STRICKEN** and
16 **RESET to October 25, 2021, at 9:00 A.M. in RICHLAND.** The **final**
17 pretrial conference will begin at **8:30 A.M.**

18 **7.** Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court
19 **DECLARES EXCLUDABLE from Speedy Trial Act calculations**
20 **as to all Defendants** the period from **July 14, 2021**, the date Mr.

Nguyen moved to continue, through **October 25, 2021**, the new trial date, as the period of delay granted for adequate preparation by counsel.

8. Summary of Deadlines

All pretrial motions, including discovery motions, <i>Daubert</i> motions, and motions <i>in limine</i> , filed	August 19, 2021
PRETRIAL CONFERENCE <i>Deadline for motions to continue trial</i>	September 23, 2021 9:30 A.M. - RICHLAND
CIs' identities and willingness to be interviewed disclosed to Defendant (if applicable)	October 11, 2021
Grand jury transcripts produced to Defendant Case Agent: CIs: Other Witnesses:	October 11, 2021 October 11, 2021 October 11, 2021
Exhibit lists filed and emailed to the Court	October 15, 2021
Witness lists filed and emailed to the Court	October 15, 2021
Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	October 13, 2021
Exhibit binders delivered to all parties and to the Court	October 13, 2021
Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	October 15, 2021
Trial notices filed with the Court	October 15, 2021
Technology readiness meeting (in-person)	October 18, 2021

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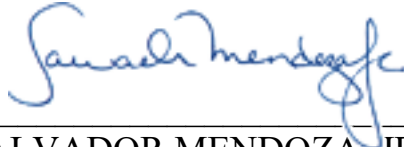
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FINAL PRETRIAL CONFERENCE	October 25, 2021 8:30 A.M. - RICHLAND
JURY TRIAL	October 25, 2021 9:00 A.M. - RICHLAND

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals Service.

DATED this 21st day of July 2021.



SALVADOR MENDOZA, JR.
United States District Judge